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PATENT  
ATTORNEY DOCKET NO.: 063373-5021-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Philip John ROETH et al.

Application No.: 10/029,026

Group Art Unit: 1753

Filed: December 21, 2001

Examiner: Arun S. Phasge

For: APPARATUS AND METHOD FOR SEPARATION OF MOLECULES AND  
MOVEMENT OF FLUIDS

MAIL STOP AF  
Commissioner for Patents  
U.S. Patent and Trademark Office  
Arlington, VA 22202

*file processed*

Sir:

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the  
decision of the Examiner dated April 27, 2005.

1. Extension of Time

- ☐ Applicants petition for an extension of time, the fees for which are set out in  
37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

- [ ] The Commissioner is authorized to charge the extension fee of  
\$0.00 to Deposit Account No. 50-0310.

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2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

[X] The Commissioner is authorized to charge the appeal fee of \$250.00 to Deposit Account No. 50-0310.

3. Constructive Petition

[X] Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: E. E. Veitenheimer  
Erich E. Veitenheimer  
Reg. No. 40,420

Dated: June 29, 2005

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